## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEVON DRIVE LIONVILLE, LP, et al., : CIVIL ACTION

Plaintiffs,

v. : No. 2:15-cv-3435

PARKE BANCORP, INC., et al.,

Defendants.

## **ORDER**

AND NOW, this 29th day of December, 2016, upon consideration of "Defendants' Motion to Take Judicial Notice" (Doc. No. 11), "Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to Rule 12(b)(6)" (Doc. No. 12), "Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Take Judicial Notice" (Doc. No. 19), "Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss" (Doc. No. 20), "Defendants' Reply Memorandum of Law in Support of Motion to Dismiss the Complaint" (Doc. No. 24), "Plaintiffs' Surreply in Support of their Opposition to Defendants' Motion to Dismiss" (Doc. No. 27), "Notice of Judicial Disposition in Two Related Matters that Have Res Judicata and Collateral Estoppel Affects" (Doc. No. 29), and in accordance with the accompanying memorandum opinion, it is hereby **ORDERED**:

- "Defendants' Motion to Take Judicial Notice" (Doc. No. 11) is **DENIED**.
- "Defendants' Motion to Dismiss Plaintiffs' Complaint Pursuant to Rule 12(b)(6)" (Doc.
  No. 12) is, consistent with the accompanying memorandum opinion, **GRANTED** in part and **DENIED** in part as follows:
  - Count I (Civil RICO 18 U.S.C. § 1962(c)) is dismissed without prejudice;

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- Count I (Civil RICO – 18 U.S.C. § 1962(b)) is dismissed without prejudice;

- Count III (Conspiracy to Engage in Civil RICO - 18 U.S.C. § 1962(d)) is

dismissed without prejudice;

Count IV (Fraud) is dismissed without prejudice;

- Count V (Conversion) is dismissed without prejudice as to Plaintiff John M. Shea

only; and

Count VI (Conspiracy) is dismissed without prejudice.

Plaintiffs may file an amended complaint to attempt to cure, if possible, the deficiencies

explained in the memorandum opinion on or before January 30, 2017. Before filing an

amended complaint, Plaintiffs should carefully consider whether the contemplated

additional allegations would be sufficient to satisfy the pleading requirements under the

Federal Rules of Civil Procedure.

**BY THE COURT:** 

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.

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